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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 10/710,854
Filing Date: August 08, 2004
Appellant(s): BURNS, DAVID W.

SEP 14 2007
Technology Center 2600

David W. Burns
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/29/07 appealing from the Office action mailed 10/31/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct except for item J the rejection of claims 14, 24 and 33 is withdrawn and the claims are objected to as being allowable.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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6,100,538	Ogawa	08-2000
4,430,526	Brown et al	02-1984
20010020936	Tsuji	09-2001
5,245,175	Inabata	09-1993
5,635,683	McDermott et al	06-1997
5,401,917	Yoshida et al	03-1995
5,484,966	Segen	01-1996
4,533,842	Griffin	11-1985

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. Claims 31, 32, 38, 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Omura et al (US. PAT. NO. 6,594,023 hereinafter Omura).

As to claims 31, 32, Omura discloses a system (Fig. 8 for example) for determining a stylus (65) in a stylus entry region (66), comprising: means for illuminating a stylus with a light source when the stylus tip is in the stylus entry region (LED 64 is a light source and is at the tip end of the stylus); means for generating an image of the stylus from a first direction with a single telemetric imager (position detect part 62, CCD camera 63a generates an image of the stylus from a first direction); means for generating an image of the stylus tip from a second direction with the telemetric image (position detect part 62, CCD camera 63b generates an image of the

stylus from a second direction) and means for determining the stylus position based on the generated images from the first direction and the second direction when the stylus tip is in the stylus entry region (col. 14, line 45 to col. 16, line 23 for example).

As to claim 38, Omura teaches sending the determined stylus position to a digital computing device (computer, see col. 16, lines 19-21).

As to claim 39, Omura teaches interpreting the determined stylus position (col. 16, lines 1-65).

Claim Rejections - 35 USC § 103

2. Claims 1, 2, 4, 6, 11-13, 15, 16, 18, 20, 21, 23, 26, 27, 29, 30, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura in view of Ogawa (US 6,100,538).

As to claims 1, Omura discloses a system (Fig. 8 for example) for determining a stylus position of a stylus (65), comprising: a single telemetric imager (62) having an optical imaging array (infrared rays CCD cameras as optical units); and a controller (control part 68) electrically coupled to the telemetric imager (position detect part 62 in Fig. 8); wherein the controller determines the stylus position based on a generated image of a stylus tip from a first direction (from CCD camera 63a) and a generated image of the stylus tip from a second direction (from CCD camera 63b) when the stylus tip is in a stylus entry region (col. 14, line 45 to col. 16, line 23 for example).

Omura does not disclose a light source positioned near the telemetric imager to illuminate a stylus tip. However, Fig. 22 of Ogawa teaches a light source (31) positioned near the telemetric imager (detecting unit 3), wherein light emitted from the light source illuminates the

stylus tip when the stylus tip is in the stylus entry region. Figs. 1, 2, 22 of Ogawa teaches a light source can be alternatively positioned in the stylus or near the imager (detecting unit). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Omura to have a light source positioned near the telemetric imager (position detect part) as taught by Ogawa since this enhances the illumination efficiency and prevents the undesired reflective light of the stylus caused by extraneous light from entering into the detecting units (col. 16, lines 24-27 of Ogawa).

As to claim 2, Omura teaches the stylus comprises a pen (65 in Fig. 8).

As to claim 4, Omura teaches the pen 65 has a tip end, when the camera imaging system detects the writing tip end touching on the inputting/detecting area 66, which reads on a writing-mode imaging target as claimed).

As to claim 6, Omura teaches the telemetric imager (62) comprises two CCD cameras (this corresponds to two optical imaging arrays).

As to claim 11, Fig. 22 of Ogawa teaches the light emitted from the light source illuminates the stylus tip when the stylus tip is in the stylus entry region.

As to claims 12, 13, Ogawa teaches the light source comprising LED (col. 10, lines 12-13).

As to claim 15, Fig. 23 of Ogawa teaches an optical filter (39) positioned between the telemetric imager and the stylus, and the optical filter preferentially passes light from the stylus tip to the telemetric image.

As to claim 16, Fig. 8 teaches a communication port (interface circuit 79) connected to the controller to enable communication between the controller and a digital computing device (computer, col. 16, lines 19-21).

As to claim 18, Omura teaches the telemetric imager (62) and the controller (68) are contained in a housing (col. 15, lines 46-48). Ogawa teaches the light source is positioned near the detecting unit (3), thus, Omura as modified by Ogawa would have the light source is coupled to the housing as claimed.

Claim 20 is a method claim corresponding to the above apparatus claim 1, is rejected for the same reasons as stated above since such method "steps" are clearly read on by the corresponding "means".

As to claim 21, Omura teaches the telemetric imager comprises two CCD cameras (two optical imaging arrays).

As to claims 23, Fig. 22 of Ogawa teaches illuminating the stylus tip with a light source (31) when the stylus tip is in the stylus entry region.

As to claim 29, Omura teaches sending the determined stylus position to a digital computing device (computer, see col. 16, lines 19-21).

As to claim 30, Omura teaches interpreting the determined stylus position (col. 16, lines 1-65).

As to claims 26, 27, 35, 36, Ogawa teaches determining angular information of the stylus (angle or rotation of the stylus) when the stylus tip is in the entry region (col. 7, lines 27-32).

3. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Omura in view of Tsuji (US 2001/0020936).

Omura does not disclose a writable medium in the stylus entry region comprising a sheet of paper. However, Figs. 1 and 2 of Tsuji teaches a stylus entry region comprising a sheet of paper (20) as a writable medium. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the writable medium of Omura to have a sheet of paper as taught by Tsuji since this allows the user to draw or write on the writable medium for inputting handwritten characters or diagrams to a computer or a printer such that both an electronic copy and a hardcopy is available as a record to the user at the same time.

4. Claims 3, 8-10, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura and Ogawa as applied to claims 1 and 20, and further in view of Tsuji.

Omura as modified by Ogawa does not disclose a writable medium in the stylus entry region comprising a sheet of paper. However, Figs. 1 and 2 of Tsuji teaches a stylus entry region comprising a sheet of paper (20) as a writable medium. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the writable medium of Omura as modified by Ogawa to have a sheet of paper as taught by Tsuji since this allows the user to draw or write on the writable medium for inputting handwritten characters or diagrams to a computer or a printer such that both an electronic copy and a hardcopy is available as a record to the user at the same time.

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Omura in view of Brown et al (US. PAT. NO. 4,430,526 hereinafter Brown).

Omura does not disclose the stylus includes an erasing mode image target near an erasing end of the stylus. However, Figs. 2 and 3 of Brown teaches a stylus (30) has a writing mode near writing end of a stylus (32), an erasing mode near an erasing end of the stylus (31). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the stylus of Omura to have an erasing mode as taught by Brown so as to provide pointing device which is capable of performing writing and erasing operation.

6. Claims 5, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura and Ogawa as applied to claims 1 and 20 above, and further in view of Brown.

Omura as modified by Ogawa does not disclose the stylus includes an erasing mode image target near an erasing end of the stylus. However, Figs. 2 and 3 of Brown teaches a stylus (30) has a writing mode near writing end of a stylus (32), an erasing mode near an erasing end of the stylus (31). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the stylus of Omura as modified by Ogawa to have an erasing mode as taught by Brown so as to provide pointing device which is capable of performing writing and erasing operation.

7. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura and Ogawa as applied to claims 1 and 20 above, and further in view of Inabata ((US. PAT. NO. 4,553,845,245,1752)).

Omura as modified by Ogawa does not disclose using one optical imaging array to generate the image of the stylus tip from the first and second directions. However, Fig. 1 of

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Inabata teaches using one optical imaging device (CCD 7) to generate images of from the first and second directions (col. 1, lines 37-49). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Omura to use one optical imaging CCD as taught by Inabata so as to provide a low cost optical imaging device.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Omura and Ogawa as applied to claim 1 above, and further in view of McDermott et al (US. PAT. NO. 5,635,683 hereinafter McDermott).

Omura teaches a communication port connected between the controller and a digital computing device (5). Omura as modified by Ogawa does not explicitly disclose the communication port is one of a wired port or a wireless port. However, McDermott teaches a controller (processor 18 in Fig. 1) connected to a digital computing device (host computer 16) via a wire or wireless link (e.g. col. 9, lines 48-51). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Omura as modified by Ogawa to use a wire or wireless communication link for connecting the controller and the computing device so as to readily transmit information from the controller to the computing device.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Omura and Ogawa as applied to claim 1 above, and further in view of Yoshida et al (US. PAT. NO. 5,401,917 hereinafter Yoshida).

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Omura as modified by Ogawa does not disclose a stylus holder formed within the housing and receives the stylus for stylus storage. However, Fig. 1 of Yoshida teaches a housing of pen input device having a stylus holder (3) formed within the housing and receives the stylus (5) for stylus storage. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Omura as modified by Ogawa to have a stylus holder as taught by Yoshida so as to allow stylus to be easily inserted and extracted thereto the therefrom and the stylus being held in a stable manner when inserted inside (col. 1, lines 13-15 of Yoshida).

10. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Segen (US 5,484,966) in view of Griffin (US 4,553,842).

Fig. 1 of Segen discloses a system for determining a stylus position of a stylus (108), the system comprising: a single telemetric imager (110) having a single optical imaging array; a controller (processor) electrically coupled to the telemetric image; wherein the controller determines the stylus position based on a generated image of the stylus tip from a first direction and a generated image of the stylus tip from a second direction when the stylus tip is in a stylus entry region (col. 5, lines 22-35).

Segen does not disclose a light source positioned near the telemetric imager. However, Griffin teaches a two dimensional optical position indicating device having a light source (30 in Figs. 2, 4, 5), the light source is positioned near the telemetric imager (detector 42) to illuminate the stylus tip. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Segen to have a light source positioned near the

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telemetric imager as taught by Griffin so as to provide an optical position locating device of simple low cost, easily maintained rugged construction (col. 2, lines 60-62 of Griffin).

(10) Response to Argument

Appellant's remarks regarding Omura for claims 31, 32 in section (A), pages 11-23 are not persuasive. Appellant's remarks on page 13 in that "Examiner is in error by construing that Omura has "means for illuminating a stylus tip with a light source when the stylus tip is in the stylus entry region"" are not persuasive. As noted by the appellant, Omura clearly teaches "The coordinate inputting unit 65 is formed in a pen-like shape and has the infrared rays LED 64 at a tip end thereof so as to irradiate infrared rays from the infrared rays LED 64 upward" (emphasis added). The claim language is very broad and it's anticipated by Omura. The LED 64 of Omura is a light source, when the LED light source irradiates infrared rays at the pen tip end, the pen tip is illuminated by the LED light source. The claim does not define the location of the light source, therefore, as long as there is a light source irradiating light and the pen tip is illuminated by the irradiated light of the light source, the claimed limitation is met and the light source reads on "means for illuminating". Appellant's remarks regarding the sun, flashlight are not persuasive since they are different from the claimed pen tip and are not part of the claims. Contrary to appellant's allegation, the flashlight does irradiate the tip end (lens) of the flashlight when the flashlight is turned on since light from the light bulb also shines onto the lens (tip end). Furthermore, Omura's light may irradiate upwards, it nonetheless would still illuminate the pen tip by virtue of the LED being located at the pen tip. Therefore, the LED 64 and its irradiated light of Omura reads on "means for illuminating a stylus tip with a light source when the stylus tip is in the stylus entry region" as claimed.

Appellant's remarks on pages 14-15 in that "Examiner is in error by construing that Omura has "means for generating an image of the stylus from a first direction with a single

telemetric imager and means for generating an image of the stylus tip from a second direction with the telemetric imager”” are not persuasive. Appellant has clearly misconstrued and mischaracterized Omura. In the passages cited by appellant, Omura’s telemetric imager clearly comprised two CCD cameras (63a, 63b; i.e., means for generating images) and these two CCD cameras are used to photograph and image the pen tip (col. 15, lines 59-67) and generate image of the pen tip, and “peaks appear in **the image signals**” are used to calculate the position of the stylus pen based on the images. Therefore, Omura anticipates the claimed limitation and appellant’s remarks are not persuasive. In response to applicant’s argument on page 15 that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., “to identify an imaging target on the stylus such as a single band to indicate a writing mode or a double band to indicate an erasing mode”, “to detect a stylus tip hovering over a surface, a capability exceedingly important to moving a mouse icon on a computer screen before selecting it, for example, with a downward top of the stylus as in Burns”) are not recited in the rejected claims 31 and 32. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Fig. 8 of Omura includes a single position detect part 62 (single telemetric image) having two CCD cameras 63a, 63b. Omura states “reference numerals 63a and 63b respectively denote infrared rays CCD cameras as optical units serving as **image inputting device**” (emphasis added, col. 14, lines 48-50), and col. 15, lines 55-58 of Omura discloses “the infrared rays position detect part 62 **inputs the image signals** 72a, 72b from the infrared rays CCD cameras 63a, 63b into the control part 68” (emphasis added), and col. 16, lines 1-4 of Omura discloses “strong peaks appear in **the image**

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signals 72a, 72b of the infrared rays CCD cameras 63a, 63b at the positions corresponding to the position of the infrared rays LED 64, respectively” (emphasis added). Clearly, Omura is using two CCD cameras 63a, 63b in a position detect part 62 (single telemetric image) to generate the image signals of the stylus tip. Figs. 8, 10 of Omura also show that two CCD cameras 63a, 63b capturing the stylus position and generating an image of the stylus tip from two directions. Therefore, Omura’s CCD cameras 63a, 63b in the position detect part 62 as shown in Fig. 8 clearly read on “means for generating an image of the stylus from a first direction with a single telemetric imager and means for generating an image of the stylus tip from a second direction with the telemetric imager” as claimed in claims 31 and 32.

In response to appellant’s remarks on page 16 in that “the Examiner is in error by construing that Omura has “means for determining the stylus position based on the generated images from the first direction and the second direction when the stylus tip is in the stylus entry region””, as stated in the paragraph above, Omura discloses generating images of the stylus tip from a first direction and a second direction with a single telemetric image as claimed. Furthermore, col. 16, lines 1-65 of Omura teaches the control part 68 as shown in Fig. 8 including a calculation circuit 78 for calculating the two dimensional coordinates position of inputting part 65 based on the image signals 72a, 72b generated by the CCD cameras 63a, 63b. Therefore, Omura clearly teaches “means for determining the stylus position based on the generated images from the first direction and the second direction when the stylus tip is in the stylus entry region” as claimed in claim 31. Appellant’s remarks in the paragraph bridging pages 16-17 are not persuasive since none of approaches alleged by the appellant in this paragraph are recited in claim 31. Thus, appellant is reading limitation into the claim and is not persuasive.

Appellant's remarks on pages 17-18 attacked the validity of the Omura patent which are misleading and not persuasive. The issue at hand is whether Omura anticipates the claims on appeal and not whether Omura's claims meets 35USC112, 1st paragraph. As set forth in the Final rejection and discussed in the preceding paragraphs. Omura does disclose and anticipated the claimed limitations under 35USC 102(b). Therefore, appellant's remarks are moot.

Appellant's remarks on pages 18-19 are not persuasive since all claimed limitation "means for illuminating a stylus tip with a light source when the stylus tip is in the stylus entry region", "means for generating an image of the stylus from a first direction with a single telemetric imager; means for generating an image of the stylus tip from a second direction with the telemetric imager", and "means for determining the stylus position based on the generated images from the first direction and the second direction when the stylus tip is in the stylus entry region" are supported and disclosed by Omura, a 102(b) rejection has been correctly asserted against claims 31 and 32.

Appellant's remarks regarding Ogawa on pages 19-23 (the fourth question of appellant) are not persuasive and moot since claims 31, 32 are rejected under 35 USC 102(b) by Omura in the Final rejection, not by Ogawa.

Appellant's remarks in section (B), pages 23-29 regarding the combination of Omura and Ogawa are not persuasive. In response to appellant's argument on page 24 in that "It is possible that the Examiner believes that the invention of Burns is so straightforward and obvious that someone should have already patented it or described it earlier than Burns", the fact that no one has gotten a patent on this specific combination does not necessarily mean that is not obvious, it merely means that no one has gotten a patent on this combination. The reason why might be,

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simply, because the combination is obvious. This line of reasoning is nothing but opinions by appellant and fails to show the claims are unobvious. Furthermore, the examiner has set forth proper motivation to combine the references in the Final Office action and since appellant has not rebutted the motivation, the rejection is submitted to be proper.

Appellant's allegations on page 25 in that "Omura does not have a telemetric imager as does Burns. None of the embodiments of Omura has a telemetric imager; a telemetric imager is not found in any of the figures, and a telemetric image is not claimed" and "Omura does not generate images to determine the stylus position" are in error and not persuasive, as stated above, Fig. 8 of Omura includes two CCD cameras 63a, 63b in a single position detect part 62, and col. 14, lines 48-50 of Omura discloses "reference numerals 63a and 63b respectively denote infrared rays CCD cameras as optical units serving as **image inputting device**" (emphasis added). It is clear that Omura's Fig. 8 is identical to appellant's Fig. 1 which also shows a single housing having two optical image array disposed inside the housing. Thus, the two CCD cameras 63a, 63b in a single position detect part 62 of Omura clearly read on "a single telemetric imager having an optical imaging array" as claimed. Furthermore, col. 16, lines 1-65 of Omura teaches the control part 68 as shown in Fig. 8 including a calculation circuit 78 for calculating the two dimensional coordinates position of inputting part 65 based on the image signals 72a, 72b generated by the CCD cameras 63a, 63b. Therefore, appellant's argument that "Omura does not generate images to determine the stylus position" is not persuasive.

In response to appellant's remarks on pages 26-27, Table 2 "Essential Differences between Omura, Ogawa and Burns", the specification is not the measure of invention.

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Therefore, limitation contained therein cannot be read into the claims for the purpose of avoiding the prior art and is therefore not persuasive.

In response to applicant's argument on page 28 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Ogawa teaches a light source can be alternatively positioned in the stylus or near the detecting unit (telemetric imager), and positioning the light source near the telemetric imager would enhance the illumination efficiency and prevent the undesired reflective light of the stylus caused by extraneous light from entering into the detecting units (col. 16, lines 24-27 of Ogawa). Therefore, the examiner has provided a proper motivation to combine the references and the rejection is proper.

Appellant's remarks on page 28 regarding claim 20 are not persuasive since claim 20 is a method claim corresponding to the apparatus claim 1, and is rejected for the same reasons as stated above.

Appellant's remarks in section (C) on page 29 regarding the combination of Omura and Tsuji are not persuasive. As stated in the above paragraphs, Omura discloses all the limitation as claimed in claim 31. Thus, the combination of Omura and Tsuji renders claim 37 obvious.

Appellant's remarks in section (D) on pages 29-30 regarding the combination of Omura, Ogawa and Tsuji are not persuasive. As stated in the above paragraphs, Omura does teach a

single telemetric image as claimed and Omura as modified by Ogawa teaches all the limitation as claimed in claims 1 and 20. Thus, the combination of Omura, Ogawa and Tsuji renders claims 3, 8-10 and 28 obvious.

Appellant's remarks in section (E) on page 30 regarding the combination of Omura and Brown are not persuasive. As stated in the above paragraphs, Omura discloses all the limitation as claimed in claim 31. Thus, the combination of Omura and Brown renders claim 34 obvious.

Appellant's remarks in section (F) on pages 31-32 regarding the combination of Omura, Ogawa and Brown are not persuasive. As stated in the above paragraphs, Omura as modified by Ogawa teaches all the limitation as claimed in claims 1 and 20. Thus, the combination of Omura, Ogawa and Brown renders claims 3, 8-10 and 28 obvious. Furthermore, appellant's argument in that "The invention of Brown includes a mercury switch, which would not be allowed with today's environmental standards" and "it is difficult for the applicant to imagine how a mercury switch could be construct as an imaging target" are not persuasive, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Brown is relied up to teach a stylus has a writing mode at one end of a stylus and an erasing mode at another end of the stylus and in the combination of Omura, Ogawa and Brown would have a stylus having a write mode at one end and an erasing mode at another end.

Appellant's remarks in section (G) on page 32 regarding the combination of Omura, Ogawa and Inabata are not persuasive. As stated in the above paragraphs, Omura as modified by Ogawa teaches all the limitation as claimed in claims 1 and 20. Thus, the combination of Omura, Ogawa and Inabata renders claims 7 and 22 obvious.

Appellant's remarks in section (H) on page 33 regarding the combination of Omura, Ogawa and McDermott are not persuasive. As stated in the above paragraphs, Omura as modified by Ogawa teaches all the limitation as claimed in claim 1. Thus, the combination of Omura, Ogawa and McDermott renders claim 17 obvious.

Appellant's remarks in section (I) on page 33 regarding the combination of Omura, Ogawa and Yoshida are not persuasive. As stated in the above paragraphs, Omura as modified by Ogawa teaches all the limitation as claimed in claim 1. Thus, the combination of Omura, Ogawa and Yoshida renders claim 19 obvious.

Appellant's remarks in section (K) on pages 35-36 regarding the combination of Segen and Griffin are not persuasive. In response to appellant's remarks "neither Segen nor Griffin has "a single telemetric image having a single optical imaging array; a light source positioned near the telemetric images; to illuminate a stylus tip; and a controller electrically coupled to the telemetric images; wherein the controller determines the stylus position based on a generated image of the stylus tip from a first direction and a generated image of the stylus tip from a second direction when the stylus tip is in a stylus entry region", Segen teaches "the sensing device 110 includes ... the CCD sensor 304" (col. 5, lines 5-11), and "the sensing device 110 outputs a vector of electrically encoded analog or digital values, ..., where N is the number of pixels of the linear CCD sensor, and where v[I] approximately represents the light intensity

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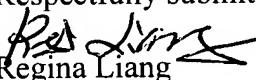
received at the optical center of the sensing device" (col. 5, lines 15-20). Col. 5, lines 22-35 of Segen also teaches the a controller electrically coupled to sensing device 110 (the telemetric images), wherein the controller determines the stylus position based on a generated image of the stylus tip from a first direction and a generated image of the stylus tip from a second direction when the stylus tip is in a stylus entry region as claimed. Griffin is used to teach a light source (30, Fig. 2) positioned near the detector 42 (telemetric imager) to illumine the stylus tip. Therefore, the combination of Segen and Griffin teaches the limitation as claimed in claim 40. Furthermore, in response to applicant's argument that Segen "teaches away from the 3-D imaging approach of Burns. For example, a 1-D or linear image sensor would be unable to detect a single or double band near the tip of a stylus as in Burns", although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, appellant's remarks are not persuasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

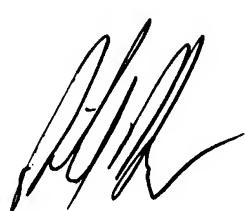
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Regina Liang
Primary Examiner
Art Unit 2629

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